

## COMMONWEALTH OF MASSACHUSETTS

U.S. DISTRICT COURT

DISTRICT OF MASSACHUSETTS  
CIVIL ACTION NO  
05-10969-NMGNATIONAL ELECTRICAL BENEFIT FUND  
BY ITS TRUSTEES, JON F. WALTERS AND  
D.R. BORDEN, JR.  
(Plaintiff)

v.

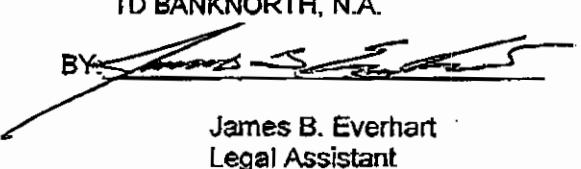
UPPER CAPE ELECTRICAL, INC.  
(Defendant)TD BANKNORTH, N.A.  
(Trustee Defendant)

) TRUSTEE'S ANSWER

Now comes TD Banknorth, N.A., by and through its keeper of the books and records, and says: At the time of service of the Summons, the alleged Trustee had goods, effects, or credits of the named Defendant available for attachment in the amount of \$5,870.88 standing in the name Upper Cape Electrical, Inc. with respect to which the Bank wishes to submit to the court, pursuant to M.G. L. c. 245 14, the question whether the Bank is chargeable as trustee upon such facts.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 25<sup>th</sup> DAY OF AUGUST 2005.

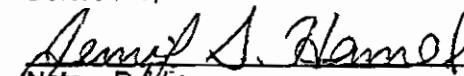
TD BANKNORTH, N.A.

BY: James B. Everhart  
Legal Assistant  
Legal Department  
TD Banknorth, N.A.STATE OF MAINE  
CUMBERLAND, SS.

August 25, 2005

Personally appeared the above-named James B. Everhart, who acknowledged that the foregoing Disclosure was true to the best of his knowledge and belief.

Before me,

  
Notary Public  
Jennifer S. Hamel  
My Commission Expires August 12, 2010